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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 30TH DAY OF MAY 1998

BEFORE

THE HON'BLE MR.JUSTICE CHIDANANDA ULLAL

C.R.P.No.1138/98

Between:

1. Praveen s/o.late Channappa Mulgi,
aged about 6 years, minor U/gship of
his real mother Sujatha alias Siddamma
w/o.late Channappa Mulgi, aged 28 years,
Occ.House Hold and agril. r/o.Mudgi, Tal.
Humnabad, District Bidar.
2. Sharwanamma d/o.late Channappa Mulgi,
minor rest as above.
3. Sujatha alias Siddamma w/o.late Channappa
Mulgi, aged about 28 years, Occ.agril. and
hold r/o.Village Mudgi, village at
present residing at Dastapur Tal.Gulbarga,
District Gulbarga. .. Petitioners

(By Sri C M Desai, Adv.)

And:

1. Chandrashahhhh s/o.Shivappa Mulgi,
aged about 69 years, Occ.agril.
r/o.Mudgi, Tal.Humnabad, Dist. Bidar.
2. Kamalabai w/o.Chandershah Mulgi, major,
rest -do-
3. Subash s/o.Chandarsha Mulgi,
major, rest - do - .. Respondents

This revision petition is filed under
Section 115 of CPC against the order dated 11.2.1998
passed on I.A.II in OS No.62/97 on the file of the
Civil Judge (Jr.Dn.) JMFC, Humnabad, rejecting
I.A.II filed under Section 151 of CPC.

This revision petition coming on for admission this day, the Court passed the following:
- ORDER -

Heard the learned counsel for the petitioners.

2. This revision petition is directed against the order dated 11.2.1998 passed on I.A.II by the court of the Civil Judge (Jr.Dn.) JMFC, Humnabad, in passing whereof, the said learned Civil Judge had rejected the I.A.II filed under Section 151 of CPC for grant of interim maintenance.

3. The learned Judge had rejected the application of the petitioner based on certain revenue entries that came to be mutated as long back as in the year 1987-88 during the life time of Channappa, husband of the petitioner No.3 and the father of the petitioners No.1 and 2, of course, the learned Judge had gone to the extent of observing that the entries prima facie reveal the division of properties and the severance of the status of the family properties between the petitioners on the side and the respondents on the other. After hearing the learned counsel for the petitioners, I find the grievance of the petitioners in that part of the observation made by the learned Judge ~~especially & for genuine,~~ particularly when suit of the petitioners herein



before the Court below is for partition and separate possession of their share in the suit schedule properties. I do find the anxiety of the petitioners before this Court. The learned Judge would not have gone to the above extent in the impugned order as if nothing more is left in the suit to be decided.

3. Nevertheless, I find no merit in the instance revision petition. It is made clear that such an observation made by the learned Judge as above shall not come on the way in deciding the main suit of the petitioners before court.

With the above observation, the instant revision petition stands rejected.

Sd/-
JUDGE

bkm.